

REMARKS

Applicant respectfully traverses the rejection of claims 1-3 and 7-9 under 35 U.S.C. § 102(b) as being anticipated by Stolen '866, in that this rejection has been effectively rendered moot by the incorporation of the limitations of dependent claim 4 into claims 1 and 8.

Applicant respectfully traverses, and requests reconsideration of, the rejection of claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable (obvious over) Stolen, wherein the rejected claim 4 is effectively equivalent to the currently amended claim 1. The limitation of claim 4 has also been added to the independent method claim 8, thereby also effectively rendering moot the rejection of claim 8 under 35 U.S.C. § 102(b).

Independent claims 1 and 8 also have been amended better to define patentability (non-obviousness) over Stolen. These amendments to claims 1 and 8 are supported in the specification at, for example: page 5, penultimate paragraph; page 12, last full paragraph; and the paragraph spanning pages 12 and 13.

In support of the traverse of the presently pending claims as being anticipated by, or unpatentable over, Stolen's disclosure, Applicant presents the following analysis.

First, the present invention is directed to a new approach for demultiplexing an optical time-division multiplexed digital signal. Applicant's specification already describes some prior art approaches. Stolen '866 merely discloses another approach which is based on a Raman active optical medium; however, Stolen exploits only the "positive" gain windows in the non-linear Raman behavior for demultiplexing.

Therefore, an object of the present invention is to provide an alternative, novel and unobvious approach for demultiplexing OTDM signals. This object is achieved by the demultiplexer and method as defined by amended independent claims 1 and 8. In particular, it is an aspect of the present invention to exploit "negative" Raman gain or, in other words, an absorption effect to cancel/attenuate selected time slots from the OTDM signal.

By the Examiner's own admission, Stolen does not teach the critical limitation of independent claims 1 and 8, which limitation requires the digital signal wavelength to be smaller than the pump wavelength (or in other words, the pump wavelength to be longer than the signal wavelength) "so that the digital signal is attenuated at time slots that coincide with absorption windows of the Raman gain function".

The advantages of the subject matter of each of the amended pending claims 1 and 5-8 are set forth in Applicant's specification.

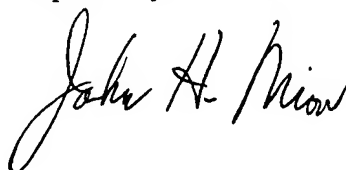
Therefore, Applicant must respectfully submit that the Examiner has not made out a *prima facie* case of obviousness based on the teaching of Stolen, and Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and 103(a) and to find the application to be in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 10/603,739

Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



John H. Mion
Registration No. 18,879

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
(202) 663-7901

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 1, 2004